

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Marrieo Cortez Williams,

Case No. 23-CV-3459 (ECT/ECW)

Plaintiff,

v.

REPORT AND RECOMMENDATION

City of Minneapolis Police Department,
Mohamud Jama, Andrew Schroeder, and
Jeremiah Smershuh,

Defendants.

On December 27, 2023, this Court entered an order requiring Plaintiff Marrieo Cortez Williams to submit an initial partial filing fee of \$74.06 if he wanted this action to proceed. (*See* Dkt. 7 at 3.) The Court gave Williams 21 days—that is, until January 17, 2024—to pay the fee, failing which the Court would recommend dismissing this action without prejudice for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure. (*See id.*) Williams has not submitted the initial partial filing fee. The Court thus recommends dismissing this action without prejudice for failure to prosecute. *See, e.g., Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”). Given this recommendation, the Court further recommends denying as moot Williams’s pending *in forma pauperis* application (Dkt. 2).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein,

IT IS RECOMMENDED that:

1. This action be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.
2. Plaintiff Marrieo Cortez Williams's pending *in forma pauperis* application (Dkt. 2) be **DENIED** as moot.

Dated: January 25, 2024

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).